



PTO/SB/25 (10-05)

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REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
TMG 2-001-3-3

In re Application of: Peter Van Voris, et al.

Application No.: 10/698,722

Filed: October 31, 2003

For: Sustained Release Pest Control Products and Their Application

The owner*, BioGuard Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference Application Number 10/816,095**, filed on April 1, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record. Reg. No. 27,596

Signature

August 8, 2006

Date

Jerry K. Mueller, Jr.
Typed or printed name

614.436.0600
Telephone Number.

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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